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Report critical of EPA handling of asbestos contamination

KALISPELL (AP) — The federal Environmental Protection Agency could have started cleanup of asbestos contamination in Libby years ago if it had done a better job of documenting the problem and devising remedies, a new federal report says.

A lack of documentation dramatically affected the agency's accountability, says the agency's Office of Inspector General.

The EPA last year asked for the independent investigation of the agency's monitoring of the former W.R. Grace vermiculite mine at Libby.

"Because such decisions and their rationale were often not documented, it was difficult to reconstruct exactly what happened and why," investigators wrote.

Paul Peronard, the EPA's on-site coordinator in Libby, agreed there was a lack of follow-up with asbestos issues at Libby through the years.

"All those breakdowns did happen," he said. "But the report doesn't get into why they happened, and that's what I've already been hearing from Libby folks. It's a question worth answering, and one I'll pass back to the Inspector General office."

The EPA Inspector General's audit division found several barriers that prevented the agency from addressing asbestos-contaminated vermiculite, including ineffective communications within the agency.

"With better communications regarding enforcement actions, EPA officials would have had the opportunity to consider a Superfund action sooner than 1999, when the mine site received media attention," the report said.

It pointed specifically to mistakes made following a March 1992 inspection that resulted in a \$510,000 fine for Grace because the company failed to notify the EPA before it demolished a building contaminated with asbestos.

In addition, a state air inspector relayed concerns about other possible violations from the 1992 inspection to a state official involved with Superfund.

"However, we found no evidence that the concerns were evaluated, that an evaluation resulted in further action by the state, or that EPA was notified of any potential concerns," the report said.

Complaints in 1994 and again in 1996 from Mel and Lerah Parker, whose nursery on the former mine screening plant property became a Superfund site, should have raised red flags for the EPA, too, but

didn't, investigators said. The Parkers notified the agency about the heavy dust from nearby Rainey Creek Road leading to the mine.

"We believe the concerns raised in the 1994 letter should have been referred to the Superfund program," the report continued.

Auditors found lapses in communication as early as 1980 that could have changed the course of action for Libby.

EPA headquarters generally relied on regional offices to work with state and local agencies, but the report found problems with the way Region 8 which serves Montana kept track of what was happening in Libby.

Region 8 EPA officials said it was only after newspapers broke the Libby story that they became aware of several asbestos reports issued from 1977 to 1985 by a predecessor of the Office of Prevention, Pesticides and Toxic Substances.

However, auditors found evidence that Region 8 officials knew about at least one of the reports. The regional air and hazardous materials division of EPA and the regional office in Montana received a 1984 memo showing that a copy of an extensive 1980 report on asbestos-contaminated vermiculite was sent to both offices.

That letter held incriminating evidence:

"...there is evidence that asbestos is present in vermiculite obtained from W.R. Grace & Co.'s Libby, Montana mine ... and that the health problems experienced by the employees are comparable with those associated with asbestos exposure."

Other barriers that prevented the agency from doing its job at Libby included competing priorities for funding, a limitation of data about asbestos and fragmented authority and jurisdiction. "We still struggle with disjointed jurisdiction," Peronard said.

Multiple federal agencies have control over specific, often overlapping aspects of asbestos regulation, the report said. As early as 1977, several agencies were charged with developing a definition of asbestos couldn't agree, and still use different definitions.

Asbestos-contaminated vermiculite was considered a lower priority than problems posed by the crumbling asbestos in school and commercial buildings, according to a 1983 letter sent by an EPA official.

Auditors conceded that many of the same barriers that hindered the EPA's actions in Libby 20 years ago may still exist today.